



## EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2005 - 41

---

### *EMERGENCY COMMANDEERING OF PROPERTY IN ST. BERNARD PARISH*

---

- WHEREAS,** the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;
- WHEREAS,** pursuant to Proclamation No. 48 KBB 2005, a state of emergency was declared to exist and is currently in effect;
- WHEREAS,** R.S. 29:724(D)(4) provides that the governor, subject to any applicable requirements for compensation, may commandeer or utilize any private property if she finds it necessary to cope with the disaster or emergency;
- WHEREAS,** the expeditious restoration of electrical services is crucial for the health, safety, and welfare of the citizens of Louisiana, and for the preservation of life and property in the recovery efforts from the devastating effects of Hurricane Katrina;
- WHEREAS,** Entergy Louisiana, Inc. (hereafter **Entergy**) is and has been aggressively working to restore electric utility service to residential, industrial, commercial and government customers in numerous areas affected by Hurricane Katrina, including customers in St. Bernard Parish;
- WHEREAS,** for purposes of restoring electric service to customers in St. Bernard Parish, a location is required that can store necessary materials and equipment and from which such materials and equipment can be transported to actual job sites for restoration work, referred to herein as a **laydown yard**;
- WHEREAS,** the nature of the restoration work requires the utilization of helicopters to transport material and equipment from the laydown yard to restoration jobsites;
- WHEREAS,** for safety purposes, it is desirable that helicopters transporting such equipment minimize flying over houses, buildings, streets and/or highways;
- WHEREAS,** due to the extensive damages in St. Bernard Parish as a result of Hurricane Katrina, Entergy has identified a property in St Bernard Parish for a laydown yard, giving due consideration to the safety of the area and minimizing the risks arising from using helicopters in the above described manner; and
- WHEREAS,** Entergy, in consultation with staff of the Public Service Commission, has requested that such property be made available as a laydown yard in order that power may be restored to their customers in St. Bernard parish.

**NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO,** Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

- SECTION 1:** The state of Louisiana hereby commandeers the property located in the parish of St. Bernard, state of Louisiana at Section 46, Township-13-South, Range-13-East, bounded on the West by Paris Road, on the East by Section 45, Township-13-South, Range 13-East, on the South by the 40 Arpent Canal and on the North by Bayou Bienvenue, containing approximately five (5) acres, more or less in Chalmette, Louisiana, to be used by Entergy as a laydown yard for a period not to exceed three (3) months from the date hereof.
- SECTION 2:** The use of such property by Entergy shall be subject to requirements for compensation as provided by R.S. 29:724(D)(4), to be paid by Entergy.
- SECTION 3:** Entergy has agreed to hold the owner or owners of such property harmless and defend such owner or owners from and against any liability arising from Entergy's uses of such property as a laydown yard.
- SECTION 4:** This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



**IN WITNESS WHEREOF**, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 21st day of September, 2005.

**/S/ Kathleen Babineaux Blanco**  
**GOVERNOR OF LOUISIANA**

**ATTEST BY**  
**THE GOVERNOR**

**/S/ Al Ater**  
**SECRETARY OF STATE**